

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4313

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CARLOS GUINTO-MORALES, a/k/a Carlos Guinto Morales, a/k/a
Alfredo Mendoza-Morales,

Defendant - Appellant.

Appeal from the United States District Court for the Middle
District of North Carolina, at Greensboro. William L. Osteen,
Jr., Chief District Judge. (1:14-cr-00347-WO-1)

Submitted: March 17, 2016

Decided: March 21, 2016

Before WILKINSON, NIEMEYER, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Louis C. Allen, Federal Public Defender, John A. Duberstein,
Assistant Federal Public Defender, Greensboro, North Carolina,
for Appellant. Lisa Blue Boggs, Assistant United States
Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Carlos Guinto-Morales pled guilty to illegal reentry by an aggravated felon, 8 U.S.C. § 1326(a), (b)(2) (2012). He received a Guidelines sentence of 48 months' imprisonment. On appeal, counsel has filed an Anders v. California, 386 U.S. 738 (1967) brief, finding no meritorious issues, but questioning whether Guinto-Morales' sentence is substantively reasonable. Finding no error, we affirm.

This court reviews a sentence for reasonableness, applying an abuse of discretion standard. Gall v. United States, 552 U.S. 38, 51 (2007). We first review for significant procedural errors, including whether the district court failed to calculate or improperly calculated the Sentencing Guidelines range, treated the Guidelines as mandatory, failed to consider the 18 U.S.C. § 3553(a) (2012) factors, or failed to adequately explain its chosen sentence. Id. If we find the sentence procedurally reasonable, we then examine substantive reasonableness, considering the totality of the circumstances. Id. If the sentence is within the Guidelines range, this court applies a presumption of reasonableness. United States v. Mendoza-Mendoza, 597 F.3d 212, 217 (4th Cir. 2010).

We have reviewed the record in this case and find that Guinto-Morales' sentence is substantively reasonable. The district court meaningfully responded to defense counsel's

arguments for a sentence at the low end of, or below, the Guidelines range, and explained its chosen sentence. Furthermore, Guinto-Morales presents no evidence to rebut the presumption of reasonableness applicable to his within-Guidelines sentence.

In accordance with Anders, we have reviewed the record in this case and have found no meritorious issues for appeal. We therefore affirm Guinto-Morales' conviction and sentence. This court requires that counsel inform Guinto-Morales, in writing, of the right to petition the Supreme Court of the United States for further review. If Guinto-Morales requests that a petition be filed, but counsel believes that such a petition would be frivolous, then counsel may move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Guinto-Morales. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED